

TOWN OF SEEKONK

WARRANT/MINUTES



MAY 10, 2021

Continued to May 22, 2021
Continued to June 7, 2021

SPRING TOWN MEETING

Town Moderator

Peter Hoogerzeil

Board of Selectmen

Justin Sullivan, Chairman
Christopher Zorra, Vice Chairman
Adam Petronio, Clerk
David Andrade
Michael P. Healy

Town Administrator

Shawn E. Cadime

Town Clerk

Florice Craig

Finance Committee

Matthew Salisbury, Chairperson
Derick Medeiros, Clerk
Nelson Almeida
Michael Bradley
Michael Brady
Normand Duquette
Phillip Yan

Town of Seekonk - Spring Town Meeting

June 7, 2021

BRISTOL, SS.

5/10/2021

At 7:30PM Monday May 10, 2021 - 261 Arcade Ave. Seekonk High School

The Town Moderator made a determination and announced that the Town Meeting would be postponed and continued to May 22, 2021 at the Seekonk HS Football field.

The reason being due to Covid restrictions /social distancing, the amount of Seekonk citizens who turned out for the meeting exceeded the capacity of the High School meeting space, therefore the meeting could not be safely held.

5/22/2021

At 10AM on Saturday May 22, 2021 - 261 Arcade Ave Seekonk High School Football Field, the Town Moderator, Peter Hoogerzeil called the meeting to order.

The Town Moderator then asked the BOS to make a motion.

Michael Healy, Board of Selectmen member made a motion and it was so moved: That the Annual Town Meeting, which was originally scheduled for May 10, 2021 and which was later continued to May 22, 2021, be further postponed and continued to June 7, 2021 at 6:00PM at the Seekonk High School.

Action on the motion: Motion passed with a unanimous vote.

The Annual Town meeting was continued to June 7, 2021 at 6:00PM at 261 Arcade Seekonk High School.

In attendance:

Moderator- Peter Hoogerzeil; Town Clerk- Florice Craig; Town Administrator- Shawn Cadime; BOS Chairman- Justin Sullivan; BOS Vice Chairman, Christopher Zorra; BOS member- Michael Healy

BRISTOL, SS.

06/07/2021

Town Clerk opened meeting with the Pledge of Allegiance:

Town Clerk read the greeting: In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk High School, 261 Arcade Avenue, Seekonk, Massachusetts on:

Monday, June 7, 2021 at 6:00 PM

To vote on the following Articles. The meeting was called to order by the Town Clerk at 6:00PM with a quorum of over 75 registered voters and the meeting was over to the Town Moderator, who presided over the meeting.

Town Moderator made a motion to allow the following non-residents to speak at the meeting:

Shawn Cadime, Town Administrator; Carol-Ann Days, Asst. Town Administrator & Human Resource Director; Bruce Alexander, Director of Finance; Christine DeFontes, Treasure/Collector; Kate Hibbert, Library Director; Brittney Faria; Director, Human Services Council; John Aubin, III Town Planner; Dr. Richard Drolet, School Superintendent; Jill Brilhante, School Dept. Finance Administrator; Counsel, KP LAW; James LaFlame, Veterans Agent; Jennifer Miller, Conservation Agent; Rob Bernardo, Water Superintendent; Brian Darling, Health Agent, Police Chief, Dean Isabella; Fire Chief, David Rave; Communication's Director, Donna Wunschel, Asst. Director of Dept. of Public Works, Scott Olobri; Animal Control Officer, Andrea Russo; Jeff Hoover, Architect Tappe Associates; Evan Warner, OPM, STV, Inc.; James Kolb, OPM, STV Inc.; Chris Huntress, Huntress Associates.

Action on the motion: Motion passed with a unanimous vote.

Town Moderator made a motion to allow the Town Moderator to proceed with all articles, even those that affect him/her personally.

Action on the motion: Motion passed with a unanimous vote.

Town Moderator made a motion to allow the Town Moderator to declare a 2/3 vote on article requiring that vote.

Action on the motion: Motion passed with a unanimous vote.

ARTICLE 1

To receive the reports of Town Officers, or Committees, if any, and to act thereon, or take any action relative thereto.

A motion was made that the Town vote to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk

Action on the motion: Motion passed.

Jacqueline Proulx, Chairman of the Aitken School Expansion Bldg., Committee gave a report.

* At 6:30PM - 335 checked in

ARTICLE 2

To see what sums of money the Town will vote to raise and appropriate, or transfer from available funds or borrow for Operating Expenses and the Sanitation Fund of the Town for the Fiscal Year commencing July 1, 2021 and ending June 30, 2022, or take any other action relative thereto.

A Motion was made that the Town appropriate the sum of \$62,168,389 to defray charges and expenses of the Town for Fiscal Year 2022 for the purposes and amounts set forth in Budget Schedules A through J in column titled Board of Selectmen Budget 2022: The sum of \$47,988,951 to be raised by taxation within the levy limit under proposition 2 ½; The sum of \$800,000 to be transferred from the Overlay Surplus. The sum of 1,000,000 to be transferred from Ambulance Fees. The sum of 54,251 to be transferred from Sanitation Enterprise Fund. The Sum of \$385,000 to be transferred from Dedicated Receipts. The sum of \$9,417 to be transferred from Septic Payback.

Action on the motion: Motion passed.

ARTICLE 2 continued

A Motion was made that the Town appropriate the sum of \$1,272,278 to defray charges and expenses of operating the Sanitation Enterprise Fund for the Fiscal Year 2022 for the purpose and amount set forth in Schedule K in the column titled Board of Selectmen Recommended Budget 2022: The sum of \$1,272,278 to be provided from revenues of the Sanitation Enterprise Fund.

Action on the motion: Motion passed.

ARTICLE 3

To see if the Town will vote to fix the salary and compensation for the following elected officials of the Town as provided by GL c 41, s108 for their services for the fiscal year commencing July 1, 2021 as follows, provided that any part-time elected official may waive receipt of compensation, or take any other action relative thereto:

Board of Selectmen, Chairman	\$2,400
Board of Selectmen, Member	\$2,100
School Committee, Chairman	\$1,400
School Committee, Member	\$1,000
Board of Assessor, Chair	\$3,139
Board of Assessor, Member	\$2,789
Town Clerk	\$73,635

Moved that the Town vote to fix the salary and compensation for the following elected officials of the Town as provided by G.L. c. 41, s. 108 for their services for the fiscal year commencing July 1, 2021 as follows, provided that any part-time elected official may waive receipt of compensation.

<i>Board of Selectmen, Chairman</i>	<i>\$2,400</i>
<i>Board of Selectmen, Member</i>	<i>\$2,100</i>
<i>School Committee, Chairman</i>	<i>\$1,400</i>
<i>School Committee, Member</i>	<i>\$1,000</i>
<i>Board of Assessor, Chair</i>	<i>\$3,139</i>
<i>Board of Assessor, Member</i>	<i>\$2,789</i>
<i>Town Clerk</i>	<i>\$73,635</i>

Action on the motion: Motion passed.

ARTICLE 4

To see if the Town will vote to fix the salary and compensation for the following elected officials of the Town as provided by GL c 41, s108 for their services for the fiscal year commencing July 1, 2021 as follows, provided that any part-time elected official may waive receipt of compensation, or take any other action relative thereto:

Planning Board, Chairman	\$2,100
Planning Board, Member	\$1,900

Moved the Town will vote to fix the salary and compensation for the following elected officials of the Town as provided by GL c 41, s108 for their services for the fiscal year commencing July 1, 2021 as follows, provided that any part-time elected official may waive receipt of compensation, or take any other action relative thereto:

<i>Planning Board, Chairman</i>	<i>\$2,100</i>
<i>Planning Board, Member</i>	<i>\$1,900</i>

Action on the motion: Motion passed.

ARTICLE 5

To see if the Town will vote to transfer the sum of \$15,000 from the Dog License Receipts Reserved account #23063000 to Dog License Receipts Appropriated account #23064000, to be expended by the Animal Control Department as provided by Town By-law, or take any other action relative thereto.

Moved that the Town vote to transfer the sum of \$15,000 from the Dog License Receipts Reserved account #23063000 to Dog License Receipts Appropriated account #23064000, to be expended by the Animal Control Department as provided by Town By-law.

Action on the motion: Motion passed.

ARTICLE 6

To see if the Town will vote to appropriate the sum of \$85,506.96 from the Ambulance Receipts account for the lease payment for the Three (3) year of a four (4) year lease purchase of an ambulance/EMS vehicle for the fire department, or take any other action relative thereto.

Moved that the Town appropriate the sum of \$85,506.96 from the Ambulance Receipts account for the lease payment for the third year of a four (4) year lease purchase of an ambulance/EMS vehicle for the fire department.

Action on the motion: Motion passed.

ARTICLE 7

To see if the Town will raise and appropriate, transfer from free cash or available funds in the treasury, or transfer from designated funds that have been reserved for appropriation the following sums to be expended for departmental equipment and all incidental and related expenses, including new or continuing leases for such equipment, and further to authorize appropriate Town officials to enter into contracts for more than three years for such purposes, as applicable, or take any other action relative thereto:

A. From the Municipal Capital Stabilization Fund the following sums to be expended as follows:

1. Year Six (6) of seven (7) year lease/purchase of a Fire Engine to be expended under the direction of the Board of Selectmen \$80,713.47
Finance Committee: Recommend Approval
2. Year Four (4) of a seven (7) year lease/purchase for a Fire Engine to be expended under the direction of the Board of Selectmen \$87,745.10
Finance Committee: Recommend Approval
3. Conduct dam assessment of the Attleboro Dye Works and Burr's Pond Dams, supervised by the Conservation Agent and expended under the direction of the Board of Selectmen \$40,000.00

4. Burr's Pond Conservation Area: Improve existing trail network, trailhead and staging area, supervised by the Conservation Agent and expended under the direction of the Board of Selectmen \$50,000.00
Finance Committee: Recommendation at Town Meeting
5. Year One (1) of three (3) year lease/purchase of one (1) heavy duty dump truck with plow for the Public Works Department, to be expended under the direction of the Board of Selectmen \$65,000.00
Finance Committee: Recommend Approval
6. Purchase and equipping of one (1) medium duty dump truck with plow for the Public Works Department, to be expended under the direction of the Board of Selectmen \$81,000.00
Finance Committee: Recommendation at Town Meeting
7. Purchase and installation of a backup and data recovery server for use by the Police Department, expended under the direction of the Board of Selectmen \$25,000.00
Finance Committee: Recommend Approval
8. Purchase and installation of security fence at the Police Department, to be expended under the direction of the Board of Selectmen \$30,000.00
Finance Committee: Recommend Approval
9. Purchase and equipping of one (1) sport utility vehicle to replace 2007 Ford Explorer use by the Fire Department, to be expended under the direction of the Board of Selectmen \$47,000.00
Finance Committee: Recommend Approval
10. Initiate a SCBA Replacement Program for the Fire Department, plan would spread costs over a cycle of years replacing 5 packs and 4 additional bottles, to be expended under the direction of the Board of Selectmen \$40,000.00
Finance Committee: Recommend Approval
11. Repoint glass block wall at the Hurley Middle School, originally installed in 1958, to be expended under the direction of the School Committee \$50,000.00
Finance Committee: Recommendation at Town Meeting
12. Scanning of all paper files for past permits and records, replacing paper files with electronic files so they can be uploaded to the permit management system, to be expended under the direction of the Board of Selectmen \$40,000.00
Finance Committee: Recommend Approval
13. Implementation of the Tyler Content Management – TCM will allow for data storage of documents and electronic processing, to be expended under the direction of the Board of Selectmen \$95,000.00

Moved that the Town vote to transfer from the Municipal Capital Stabilization Fund the sums set forth in the warrant under Article 6 for the purposes specified, including all incidental and related expenses, to authorize appropriate Town officials to enter into lease purchase agreements or other contracts for more than three years for such purposes, and to take such other action as is needed to carry out this vote.

Action on the motion: Motion passed.

ARTICLE 8

To see if the Town of Seekonk will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2022 Community preservation Budget and to appropriate from the Community Preservation Fund, pursuant to G.L. c. 44B, § 6, a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2022; and to reserve for later appropriation monies from the Community Preservation annual revenues or available funds in the amounts recommended by the Community Preservation Committee for open space, historic resources and community housing purposes, as well as a sum of money to be placed in the Fiscal Year 2022 budgeted reserve for general Community Preservation Act purposes, with each item to be considered a separate appropriation, as follows:

Appropriations:

From FY 2022 estimated revenues for Committee Administrative Expenses	\$22,100
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Reserves:

From FY 2022 estimated revenues for Historic Resources Reserve	\$44,200
From FY 2022 estimated revenues for Community Housing Reserves	\$44,200
From FY 2022 estimated revenues for Open Space Reserve	\$44,200
From FY 2022 estimated revenues for the FY 2022 Budgeted Reserve	\$394,916

And further to appropriate from the Community Preservation Fund a sum or sums of money for Community Preservation Act projects or purposes as recommended by the Community Preservation Committee. Or take any other action thereto.

Moved that the Town vote to appropriate from the Community Preservation Fund FY 2022 estimated annual revenues the sum of \$22,100 for administrative expenses of the Community Preservation Act Committee for the fiscal year ending June 30, 2022; and further to reserve for future appropriation the following sums recommended by the Community Preservation Committee, with each item to be considered a separate reservation

<i>Historic Resources Reserve</i>	<i>\$44,200</i>
<i>Community Housing Reserve</i>	<i>\$44,200</i>
<i>Open Space Reserve</i>	<i>\$44,200</i>
<i>FY 2022 Budgeted Reserve</i>	<i>\$394,916</i>

Action on the Motion: Motion passed.

ARTICLE 9

To see if the Town will vote to authorize the Board of Selectmen to dispose of surplus property or material, exclusive of buildings and land, but including compost, no longer needed by the Town, or take any other action relative thereto.

Moved that the Town vote to authorize the Board of Selectmen to dispose of surplus property or material, exclusive of buildings and land, but including compost, no longer needed by the Town.

Action on the Motion: Motion passed.

ARTICLE 10

To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow in anticipation of revenue for the Fiscal Year beginning July 1, 2021, in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes with the provisions of General Laws, Chapter 44, Section 17, or to take any other action relative thereto.

Moved that the Town vote to authorize the Treasurer with the approval of the Board of Selectmen to borrow in anticipation of revenue for the Fiscal Year beginning July 1, 2021 in accordance with provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes in accordance with the provisions of General Laws, Chapter 44, Section 17.

Action on the Motion: Motion passed.

ARTICLE 11

To see if the Town will vote to transfer a sum of money from Free Cash to the FY 2021 Town Meeting Operating Budget Line Item #68 (Snow and Ice Payroll) and to the FY 2021 Town Meeting Operating Budget Line Item #69 (Snow & Ice Expenses), or take any other action relative thereto.

Moved that the Town vote to transfer the sum of \$12,000.00 from Free Cash to FY 2021 Town Meeting Line Item #68 (Snow & Ice Payroll), and \$110,000.00 from Free Cash to FY 2021 Town Meeting line #69 (snow & Ice Expense).

Action on the Motion: Motion passed.

ARTICLE 12

To see if the Town will vote to accept the provisions of the Massachusetts General Bylaw, Chapter 140 Section 139(c) as follows, or take any other action relative thereto:

“No fee shall be charged for a license issued under this section for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder. No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or town that accepts this provision. No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the commonwealth or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid over to a city or town under section 147”.

Moved that the Town accept the provisions of the Massachusetts General Law, Chapter 140 Section 139(c).

Action on the Motion: Motion passed.

ARTICLE 13

To see if the Town will vote to appropriate the sum of \$1,500,000.00, or any other amount, to pay for the costs of designing, planning, and engineering for construction of a DPW facility on land owned by the Town of Seekonk at 351 Fall River Ave, including the payment of all architectural and engineering services, and any other costs incidental or related thereto, to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing otherwise; or take any other action relative thereto.

Moved that the Town vote to appropriate the sum of \$1,500,000.00, to pay for the costs of designing, planning, and engineering for construction of a DPW facility on land owned by the Town of Seekonk at 351 Fall River Ave, including the payment of all architectural and engineering services, and any other costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, § 7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor, and that any premium received upon the sale of bonds or notes approved by this vote, less any such premium applied by this vote in accordance with M.G.L. c. 44, § 20, thereby reducing the amount authorized to be borrowed to pay such costs by like amount.

2/3 Vote Required

Action on the motion: Motion passed with a 2/3 vote.

ARTICLE 14

To see if the Town will vote to authorize the Town Moderator and the Board of Selectmen to appoint a DPW Building Committee consisting of five residents, two to be appointed by the Town Moderator, and three to be appointed by the Board of Selectmen for the purpose of overseeing the construction of a new DPW facility at 351 Fall River Ave, under the direction of the Board of Selectmen, to include but not be limited to, planning and design for the completion of the building, development of appropriate designs, schematics, specifications, cost estimates, oversight of expenditures, and any other documentation required to construct and furnish such facility, or to take any other actions related thereto.

*Moved that the Town authorize the Town Moderator and the Board of Selectmen to appoint a DPW Building Committee consisting of **five residents**, two to be appointed by the Town Moderator, and three to be appointed by the Board of Selectmen for the purpose of overseeing the construction of a new DPW facility at 351 Fall River Ave, under the direction of the Board of Selectmen, to include but not be limited to, planning and design for the completion of the building, development of appropriate designs, schematics, specifications, cost estimates, oversight of expenditures, and any other documentation required to construct and furnish such facility.*

Action on the motion: Motion was made to amend wording to say “Town authorize the Town Moderator and BOS to appoint a DPW Building Committee consisting of 7-9 residents”. **Action on the motion:** Motion failed not clear enough.

Motion was made to **amend wording** to say: “Town authorize the Town Moderator and BOS to appoint a DPW Building Committee consisting of **nine residents**, four to be appointed by the Town Moderator, and five to be appointed by the Board of Selectmen”

Action on the Motion: Motion passed

ARTICLE 15

To see if the Town will vote to amend the Town of **Seekonk General Bylaws**, Category 17A, Earth Removal, by deleting the language shown in bold strikethrough and inserting the language set forth in bold underline as set forth below, or take any other action relative thereto.

CATEGORY 17A – Earth Removal

Section 1 – Definitions

For the purpose of this By-law:

“Earth” shall include soil, loam, sand, stone and gravel.

“Board” shall mean the Board of Selectmen of the Town of Seekonk.

“Landscaping Material” shall mean loam, sand, mulch, stone and gravel used for hardscape areas around a residential or commercial property, such as driveway, walkways, paths, patios, edging, and lawn.

Section 2 – Procedures

A permit shall be required under this by-law for the removal of soil, loam, sand, gravel, stone or other earth material in excess of eight (8) cubic yards.

No person, firm, or corporation, with the exception of commercial landscapers and landscaping & garden centers for the sole purposes of providing landscaping material, shall remove in excess of eight (8) cubic yards of earth from any parcel of land within the Town of Seekonk to another parcel either within or outside of the Town without first obtaining a permit from the Board. A permit shall be granted only by an affirmative vote of the majority of the Board.

~~No earth in an amount in excess of eight (8) cubic yards shall be moved from any parcel of land within the Town of Seekonk to another parcel either within or outside of the Town unless such removal is authorized by a permit issued by the “Board”.~~ No earth in an amount in excess of eight (8) cubic yards shall be moved in less than eight (8) cubic yards quantities over any period of time, deemed by the “Board” to be for the purpose of evading any of the provisions of this by-law. No such permit shall be issued, except as provided in Section 3, until an application therefore is filed with the “Board” and the “Board” has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least fourteen (14) days prior to said public hearing.

Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the “Board” for the proper issuance of a permit, which shall include the following:

- 1) Name and address of the legal owner of the land in question.
- 2) Name and address of petitioner, if different.
- 3) Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
- 4) Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed excavation, the locations of all structures within two hundred (200) feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the removal operation.
- 5) A plan of the site indicating the depth of the loam before excavation of intervals of one hundred (100) feet by means of a surveyed grid.
- 6) Statement of plans for the disposal of rock, tree stumps and other waste materials, and for the drainage of the site and excavation during and after the removal operation.
- 7) A copy of the plans referred to in above item four (4), shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the “Board” on the proposed removal.

Section 3 – Limitations

No permit for earth removal shall be issued if such removal will (1) endanger the general welfare or safety or constitute a nuisance, (2) will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, (3) result in traffic hazard in residential areas, or congestion and physical damage to public ways.

No permit for any earth removal shall be issued for more than one (1) year's duration, and may be renewed thereafter.

In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of removal, locations and use of structures, hours of operation, routes of transportation of material removed, control of drainage, disposition of waste material incident to the operation, etc.

The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this by law.

A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:

- 1) Moving of earth within the limits of an individual parcel or series of contiguous parcels of land in single ownership.
- 2) Removal of earth from the site (1) where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway. (2) where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
- 3) The moving and removal of earth for any municipal purpose by or on behalf of the Town of Seekonk.
- 4) A non-commercial operation of moving and removal of earth within the Town of Seekonk by one load not in excess of eight (8) cubic yards.
- 5) An approved sub division under five (5) house lots.

Section 4 – Validity

The invalidity of any Section of this By-law shall not invalidate any other section or provision thereof.

Section 5 – Penalty

Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, c.40, §21, Paragraph 17, and shall be subject to a fine.

The "Board" may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by-law. Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Moved that the Town amend Category 17A, Earth Removal, by deleting the language shown in bold strikethrough and inserting the language set forth in bold underline as set forth in the warrant under Article 15.

Action on the Motion: Motion passed.

ARTICLE 16

To see if the Town will vote to amend the Town of **Seekonk General Bylaws**, Category 17B, Placement of Fill, by deleting the language shown in bold strikethrough and inserting the language set forth in bold underline as set forth below, or take any other action relative thereto.

CATEGORY 17B – ~~Placement of Fill~~ **Earth Import**

Section 1 – Definitions

For the purpose of this By-law:

“Earth” shall include soil, loam, sand, stone and gravel.

“Board” shall mean the Board of Selectmen of the Town of Seekonk.

“Construction and Demolition Debris” materials consisting of the debris generated during the construction, renovation and demolition of buildings, roads, and bridges.

“Landscaping Material” shall mean loam, sand, mulch, stone and gravel used for hardscape areas around a residential or commercial property, such as driveway, walkways, paths, patios, edging, and lawn.

Section 2 – Procedure

- A. **A permit shall be required under this by-law for the importation of soil, loam, sand, gravel, stone, construction and demolition debris, or other earth material whether in the course of excavation incidental to the construction of a business, industrial, research or commercial building or facility of any kind, or for the use of production material for a commercial or industrial product.**

~~No person, firm, or corporation, with the exception of commercial landscapers and landscaping & garden centers for the sole purposes of providing landscaping material, shall import in excess of thirty (30) cubic yards of earth or construction and demolition debris to any land not in public use without first obtaining a permit from the Board. A permit shall be granted only by an affirmative vote of the majority of the Board. in an amount in excess of thirty (30) cubic yards shall be placed on any parcel of land within the Town of Seekonk unless such placement is authorized by a permit issued by the Board of Selectmen.~~ No earth **or construction and demolition debris** in an amount in excess of (30) cubic yards shall be placed in less than (30) cubic yard quantities over any period of time, deemed by the “Board” to be for the purpose of evading any of the provisions of this By-law. No such permit shall be issued, except as provided in Section 3, until an application therefore is filed with the “Board” and the “Board” has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least seven (7) days prior to said public hearing.

- B. Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the “Board” for the proper issuance of a permit, which shall include the following:
- a. Name and address of the legal owner of the land in question.
 - b. Name and address of petitioner, if different.

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- c. Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
 - d. Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed fill, the locations of all structures within two hundred (200) feet of said limits, original topography by five foot contours, proposed final contours at five foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the placement operation.
 - e. Statement of plans for the drainage of the site during and after the fill operation.
 - f. A copy of the plans referred to in paragraph d of this subsection, shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the "Board" on the proposed placement.
 - g. Statement of origin of fill material.

Section 3 – Limitations

- A. No permit for earth **or construction and demolition debris** placement shall be issued if such placement will:
 - a. endanger the general welfare or safety or constitute a nuisance,
 - b. will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration,
 - c. result in traffic hazard in residential areas, or congestion and physical damage to public ways.
- B. No permit for any earth **or construction and demolition debris** placement shall be issued for more than one (1) year's duration, and may be renewed thereafter.
- C. In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of placement, locations and use of structures, hours of operation, routes of transportation of material, control of drainage, disposition of waste material incident to the operation, certification that the fill is in no way hazardous or environmentally unsuitable.
- D. The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this By-law.
- E. A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:
 - a. Placement of earth **or construction and demolition debris** to a site where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway.
 - b. Placement of earth **or construction and demolition debris** to a site where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
 - c. The moving and placement of earth **or construction and demolition debris** for any municipal purpose by or on behalf of the Town of Seekonk.

Section 4 – Validity

The invalidity of any section of this By-law shall not invalidate any other section or provision thereof.

Section 5 – Penalty

Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this by law shall be prosecuted under the terms of General Laws, Ter. Ed., c.40, §21, Paragraph 17, and shall be subject to a fine.

The “Board” may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by law.

Any individual who violates this By-law shall be subject to fines in accordance with Category 39 of the By-law and the fine schedule established in Attachment A.

Moved that the Town amend Category 17B, Placement of Fill, by deleting the language shown in bold strikethrough and inserting the language set forth in bold underline as set forth in the warrant under Article 16.

Action on the Motion: Motion passed.

ARTICLE 17

To see if the Town will vote to appropriate \$19,603,058.00 to fund the construction, renovation and expansion of the Seekonk Public Library, to fund demolition, landscaping, paving, utility and other site improvement incidental or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund temporary library operational space, storage and moving expenses, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto; to determine whether this amount shall be raised by borrowing or otherwise; to authorize the Town to apply for and accept any grants or loans available for the project, including the Massachusetts Board of Library Commissioners grant, and the amount of the authorized borrowing shall be reduced by the amount of any grants received for the project prior to the issuance of bonds or notes under this vote; provided however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town at an election to exempt from the limitation on total taxes imposed under G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote, or take any other action relative thereto.

Moved that the Town appropriate \$19,603,058.00 to fund the construction, renovation and expansion of the Seekonk Public Library, to fund demolition, landscaping, paving, utility and other site improvement incidental or directly related to such construction, renovation and expansion, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund temporary library operational space, storage and moving expenses, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto, said sum to be expended under the direction of the Library Building Committee or other equivalent committee authorized by the Board of Selectmen and/or the Town Moderator; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor; any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and to authorize the Town to apply for and accept any grants or loans available for this project, including the Massachusetts Board of Library Commissioners grant, and the amount of the authorized borrowing for this project shall be reduced by the amount of any grants received for the project prior to the issuance of bonds or notes under this vote; provided, however, that this vote shall be expressly contingent by approval of the voters at an election to exempt from the limitation on total property taxes imposed under G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

2/3 Vote Required

Action on the Motion: Motion failed to get the 2/3 required to pass.

ARTICLE 18

To see if the Town will vote to authorize the Town Moderator and the Library Board of Trustees to appoint a Library Building Committee consisting of five residents, two to be appointed by the Town Moderator, and three to be appointed by the Board of Library Trustees for the purpose of overseeing the construction of a new library at 410 Newman Ave, under the direction of the Library Board of Trustees, to include but not be limited to, planning and design for the completion of the building, development of appropriate designs, schematics, specifications, cost estimates, oversight of expenditures, and any other documentation required to construct and furnish such facility, or to take any other actions related thereto.

Moved that the Town authorize the Town Moderator and the Library Board of Trustees to appoint a Library Building Committee consisting of five residents, two to be appointed by the Town Moderator, and three to be appointed by the Board of Library Trustees for the purpose of overseeing the construction of a new library at 410 Newman Ave, under the direction of the Library Board of Trustees, to include but not be limited to, planning and design for the completion of the building, development of appropriate designs, schematics, specifications, cost estimates, oversight of expenditures, and any other documentation required to construct and furnish such facility.

Action on the Motion: Motion was made to indefinitely postponed. Motion passed.

ARTICLE 19

To see if the Town will vote to appropriate \$2,700,000.00 to fund the construction, and renovation of the Seekonk Connolly Field and Mooney Track, to fund demolition, landscaping, paving, utility and other site improvement incidental or directly related to such construction and renovation, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto; to determine whether this amount shall be raised by borrowing or otherwise; to authorize the Town to apply for and accept any grants or loans available for the project, and the amount of the authorized borrowing shall be reduced by the amount of any grants received for the project prior to the issuance of bonds or notes under this vote; provided, however, that the vote taken hereunder shall be expressly conditioned upon approval by the voters of the Town to exempt from the limitation on total taxes imposed under G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote, or take any other action relative thereto.

Move that the Town appropriate \$2,700,000.00 to fund the construction, and renovation of the Seekonk Connolly Field and Mooney Track, to fund demolition, landscaping, paving, utility and other site improvement incidental or directly related to such construction and renovation, to fund necessary architectural, engineering or other professional and legal expenses and fees associated with this project, to fund furnishings and equipment and to fund the payment of all other costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor; the amount of the borrowing authorized by this vote shall be reduced by the amount of any grants received for the project prior to the issuance of bonds or notes under this vote; any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; provided, however, that this vote shall be expressly contingent upon approval by the voters of the Town at an election to exempt from the limitation on total taxes imposed under G.L. c. 59, §21C (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing authorized by this vote.

2/3 vote required

Action on the Motion: Motion passed with a 2/3 majority vote.

A motion was made at 11:00PM to continue Town meeting due to the time. Action on the Motion: Motion passed

ARTICLE 20

To see if the Town will vote to transfer the care, custody, control and management of the following three (3) properties from the School Committee for school purposes to the Board of Selectmen for general municipal purposes, including but not limited to, active recreational purposes and recreational purposes, said transfers subject to such terms mutually agreed upon by the School Committee and the Board of Selectmen:

- (a) A parcel of land located at the Martin School, 445 Cole Street, shown as "Recreational Fields" on a plan entitled "Martin School Map 7 Lot 20," a copy of plan on file with the Town Clerk;
- (b) A parcel of land located at the Middle School, 650 Newman Avenue, shown as "Recreational Fields" on a plan entitled "Middle School Map 24 Lot 442," a copy of plan on file with the Town Clerk; and
- (c) A parcel of land located at the North School, 2 North Street, shown as "Recreational Fields" on a plan entitled "North School Map 33A Lot 46," a copy plan on file with the Town Clerk; said parcels

to be further described on plans endorsed and/or approved by the Planning Board, or take any other action relative thereto.

(3) properties described in Article 20 of the Warrant from the School Committee for school purposes to the Board of Selectmen for general municipal purposes, including but not limited to, active recreational purposes and recreational purposes, said transfers subject to such terms mutually agreed upon by the School Committee and the Board of Selectmen.

2/3 Vote Required

Action on the Motion: Motion passed unanimously.

ARTICLE 21

To see if the Town will vote to amend the Town of Seekonk General Bylaws by adding Category 51, Chronic Nuisance Properties, as set forth below, or take any other action relative thereto.

CATEGORY 51 – Chronic Nuisance Properties

Section 1 - Purpose

Chronic nuisance properties present grave health, safety and welfare concerns, where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This section is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for abatement. This remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.

In addition, chronic nuisance properties are a financial burden to the Town by the repeated calls for service to the properties of the nuisance activities that repeatedly occur or exist on such property. This section is a means to ameliorate those conditions and hold accountable those persons responsible for such property.

Section 2 - Definitions

For purposes of this bylaw, the following words or phrases shall have the meaning prescribed below:

ABATE: To repair, remove, destroy, or otherwise remedy a condition which constitutes a violation of this section by such means and in such a manner and to such an extent as the applicable Town department director or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community.

CHRONIC NUISANCE PROPERTY: Property on which combinations of three or more nuisance activities occur or exist during any sixty-day period.

CONTROL: The ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property.

NUISANCE ACTIVITY: Includes:

(1) Any nuisance as defined by state law or local bylaw occurring on a property, including, but not limited to, violations of the following laws and regulations:

(a) Unauthorized vehicles;

(b) Fire Code violations;

(c) Health and sanitation violations.

(d) Criminal Code.

(2) Any criminal conduct as defined by state law occurring on a property, including, **but not limited to**, the following activities or:

(a) Criminal harassment as defined in MGL c. 265, § 43A;

(b) Disorderly conduct as defined in MGL c. 272, § 53;

(c) Disturbing the peace as defined in MGL c. 272, § 53;

(d) Lewd, wanton and lascivious persons as defined in MGL c. 272, § 53;

(e) Assault as defined in MGL c. 265, § 13A;

(f) Assault and battery as defined in MGL c. 265, § 13A;

(g) Reckless endangerment as defined in MGL c. 265, § 13L;

(h) Enticement of a child as defined in MGL c. 265, § 26C;

(i) Prostitution as defined in MGL c. 272, § 53A;

(j) Any firearms/dangerous weapons violations as defined in MGL c. 140;

(k) Any drug-related activity as defined in MGL c. 94C;

(l) Any homicide pursuant to MGL c. 265 sec. 1

(n) Any organized criminal gambling as defined in MGL

(o) Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a person's household or any guest or other individual under the person's control, shall not be considered "nuisance activity" for the purpose of declaring a property a "chronic nuisance property," if the person or immediate member of the person's family is a victim of that domestic violence, dating violence, or stalking.

(3) For purposes of this section, "nuisance activity" shall not include conduct where the person responsible is the victim of a crime and had no control over the criminal act.

PERSON - A natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lease agent, officer or employee of any of them.

PERSON RESPONSIBLE FOR THE PROPERTY or **PERSON RESPONSIBLE** - Unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this section, a developer, builder, or business operator or owner who is developing, building or operating a business on the property or in a structure which is subject to this section and/or any person who has control over the property and allows a violation of this section to continue.

PREMISES and PROPERTY - May be used in this section interchangeably and means any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof, including property used as a residential or commercial property.

RENTAL UNIT - Any structure or that part of a structure, including, but not limited to, a single-family home, room or apartment, which is rented to another and used as a home, residence, or sleeping place by one or more persons.

Section 3 - Violations

Any property within the Town which is declared a chronic nuisance property is in violation of this section and subject to its remedies; and any person responsible for property who permits property to be a chronic nuisance property shall be in violation of this section and subject to its remedies. Rental properties containing two (2) or more rental units, each individual rental unit shall be considered a "property" for purposes of enforcement of this section. Any occurrence of nuisance activity in the common area or curtilage of a rental property shall be charged to the specific rental unit that the person occupies.

Section 4 - Procedure

1. When the Chief of Police, or his/her designee(s), receives documentation confirming the occurrence of three or more nuisance activities within a sixty-day period on any property, the Chief of Police or his/her designee(s) may review such documentation to determine whether it describes the nuisance activities enumerated in Section 2. Upon such finding, the Chief of Police, or his/her designee(s), shall warn the person responsible for such property, in writing, that the property is in danger of being declared a chronic nuisance property.

2. The warning shall:

- (a) Contain the street address or legal description sufficient for identification of the property;
- (b) Contain a concise description of the nuisance activities that exist or that have occurred on the property;
- (c) Contain a demand that the person responsible for such property respond to the Chief of Police or his/her designee(s) within 10 days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;
- (d) Offer the person responsible an opportunity to abate the nuisance activities giving rise to the violations; and
- (e) Contain a statement describing that if legal action is sought, the property could be subject to closure, assessment of civil penalties, or fines imposed through non-criminal disposition consistent with Category 39 of the Town Bylaws, assessed at \$50 for first offense, \$150 for second offense and \$300 for all additional offenses, with each day being a separate offense if declared a chronic nuisance property.

3. The Chief of Police or his/her designee(s) shall serve or cause to be served such warning upon the person responsible in accordance with the procedures set forth above.

4. If the person(s) responsible fails or refuses to contact the Chief of Police or his/her designee to discuss and prepare a plan to remediate the issues set forth in the warning within the time prescribed, the Chief of Police or his/her designee(s) shall issue a notice declaring the property to be a chronic nuisance property, post such notice at the property and send such notice by first class mail to the owner's premises or other responsible party's last known address, and the owner or person responsible for the property and otherwise enforce this bylaw in a manner consistent with Category 39, which, if enforced through non-criminal disposition in accordance with said Category 39 and M.G.L. c.40, §21D, shall include a fine of \$50 for the

first offense, \$150 for the second offense and \$300 for all additional offenses, with each day being a separate offense. If the notice is returned as undeliverable, the notice shall be deemed properly delivered if it is either posted on the front door of the premises that is the subject of the notice or if it is delivered in person to the owner. If the owner of, or person responsible for, the property fails to respond to the issued infraction and/or continues to violate the provisions of this section, such violation shall be enforced through any means in law and in equity, up to and including in Superior Court.

5. If the owner or person responsible for the property responds as required by the notice and agrees to abate the nuisance activity, the Chief of Police or his/her designee(s) may agree, in writing, to a nuisance abatement plan satisfactory to said Chief to abate the nuisance activity. If such agreement does not result in the abatement of the nuisance activities or if the Chief is not satisfied with the abatement plan and no agreement concerning abatement is reached, the Police Department shall have the authority to enforce this bylaw in a manner consistent with Category 39, which, if enforced through non-criminal disposition fine in the amount of \$50 for the first offense, \$150 for the second offense and \$300 for all additional offenses, with each day being a separate offense. If the nuisance activity continues unabated, such violation shall be enforced through any means available in law and in equity, up to and including in Superior Court.

Section 5 - Appeals

If, for any reason, notice of violation is believed to be invalid, an appeal may be filed, with the Town's Hearings Officer within 30 days of the citation date noted on the notice of violation. The dispute must be in writing, explaining the reason for the error. The person responsible for such property is responsible for all penalties, even if the appeal has not yet been resolved. Once the Town reaches a decision, the person responsible for such property will be notified of the Town's decision.

Moved that the Town amend the Town of Seekonk General Bylaws by adding Category 51, Chronic Nuisance Properties, as set forth in Article 21 of the Warrant.

Action on the Motion: Motion was made to make the following amendments: Strike the copy "But not limited to" under Section 2 – Definitions NUISANCE ACTIVITY (1) and Strike the copy "But not limited to" under Section 2 – Definitions NUISANCE ACTIVITY (2).

Action on the Motion: Motion passed.

ARTICLE 22

To see if the Town will vote to raise and appropriate, transfer from available funds in the treasury or transfer from designated funds that have been reserved for appropriation in the sum of \$250,000.00 to fund the construction of a traffic light at the intersection of Arcade Avenue and Ledge Road, including all incidental and related expenses, to be expended under the direction of the Board of Selectmen, or take any action relative thereto.

Move that the Town vote to appropriate from Free Cash the sum of \$250,000.00 to fund the construction of a traffic light at the intersection of Arcade Avenue and Ledge Road, including all incidental and related expenses to be expended under the direction of the Board of Selectmen.

Action on the Motion: Motion was made to make the following amendment: "Strike the copy "traffic light" and replace it with "Traffic Control Signal".

Action on the motion: Motion passed.

ARTICLE 23

To see if the Town will vote to raise and appropriate, transfer from Free Cash or available funds in the treasury, including funds reserved for appropriation, the sum of \$40,100.00 to fund the cost elements of the first fiscal year of a collective bargaining agreement between the Town and the United Steelworkers AFL-CIO, Local 9517-09 (Supervisory), for a term beginning July 1, 2020 through June 30, 2023, or take any other action relative thereto.

Motion 23: Moved that the Town appropriate from Free Cash, the sum of \$40,100.00 to fund the cost elements of the first fiscal year of a collective bargaining agreement between the Town and the United Steelworkers AFL-CIO, Local 9517-09 (Supervisory), for the term beginning July 1, 2020 through June 30, 2023.

Action on the Motion: Motion passed.

ARTICLE 24

To see if the Town will vote to raise and appropriate, transfer from Free Cash or available funds in the treasury, including funds reserved for appropriation, the sum of \$12,900.00 to fund the cost elements of the first fiscal year of a collective bargaining agreement between the Town and the United Steelworkers AFL-CIO, Local 9517-10 (Clerical), for a term beginning July 1, 2020 through June 30, 2023, or take any other action relative thereto.

Moved that the Town appropriate from Free Cash, the sum of \$12,900.00 to fund the cost elements of the first fiscal year of a collective bargaining agreement between the Town and the United Steelworkers AFL-CIO, Local 9517-10 (Clerical), for a term beginning July 1, 2020 through June 30, 2023.

Action on the Motion: Motion passed.

ARTICLE 25

To see if the Town will vote to accept as a public way Woo Drive, as laid out by the Board of Selectmen, copies of which are on file with the Seekonk Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or interest in land within said way as so lay out for all purposes for which public ways are used in the Town of Seekonk, take any other action thereto.

Moved that the Town will vote to accept as a public way Woo Drive, as laid out by the Board of Selectmen, copies of which are on file with the Seekonk Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase, or eminent domain any necessary easements or interest in land within said way as so lay out for all purposes for which public ways are used in the Town of Seekonk.

Action on the Motion: Motion passed.

ARTICLE 26

To see if the Town will vote to amend the **Zoning Bylaws of the Town of Seekonk** as presented below or take another action relative thereto.

Spring 2021 Proposed Zoning By-Law Amendments

Please note: Each amendment is presented below with existing language to be deleted indicated by ~~striketrough~~ and proposed new language indicated by underline. Where a portion of a section or subsection is proposed for amendment, it is denoted by “parentheses” and ... before and/ or after ... to indicate the language not quoted. Additional comments or information needs are denoted by [brackets].

Amendment 1:

2.8.3 Applicability

Any construction or alteration of a non-residential structure or change of use of a building or property to a non-residential use that would necessitate an on-site change to any of the design standards of Section 8 shall be subject to Site Plan Review. Residential uses shall be exempt from this section. Notwithstanding the

aforesaid, all activities subject to the provisions in **Section 6.8** of the Zoning By-law (Solar Photovoltaic Facility Overlay District) and the associated Site Plan Review process shall not be subject to Site Plan Review as described in this section.

Where an applicant requires both Zoning Board of Appeals approval and site plan approval for a proposed use, structure, or development the applicant shall first obtain the require zoning relief prior to appearing before the Planning Board. Failure of an applicant to obtain necessary zoning relief prior to appearing before the Planning Board may be grounds for denial of an application.

Where an applicant requires both Conservation Commission approval and site plan approval for a proposed use, structure, or development the applicant shall first obtain the require Conservation Commission approval prior to appearing before the Planning Board. Failure of an applicant to obtain any such necessary approvals prior to appearing before the Planning Board may be grounds for denial of an application.

Where an applicant requires both approval and/ or licensure from the Board of Selectmen and site plan approval for a proposed use, structure, or development the applicant shall first obtain the require approvals and/ or licensing from the Board of Selectmen prior to appearing before the Planning Board. Failure of an applicant to obtain any such necessary approvals or licensing prior to appearing before the Planning Board may be grounds for denial of an application.

Except in the case of re-use of an existing on-site waste water treatment system, where an applicant requires both Board of Health approval and site plan approval for a proposed use, structure, or development the applicant shall first obtain the require approvals from the Board of Health prior to appearing before the Planning Board. Failure of an applicant to obtain any such necessary approvals prior to appearing before the Planning Board may be grounds for denial of an application.

Nothing herein shall preclude the Planning Board from agreeing with an applicant to continue a matter until such time as the above noted approvals or licenses are obtained.

Comment: The proposed amendment would require that all Conservation Commission, Board of Health (except for reuse of an existing septic system), and Board of Selectmen approvals and licenses are in place prior to the grant of a site plan approval by the Planning Board.

Amendment 2:

2.8.4 Pre-Application Review

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process. Prior to submission of an application for site plan review an applicant shall first obtain a Zoning Determination Letter for the Zoning Enforcement Officer confirming the need for a site plan approval and certifying that the proposed use is permitted by right or special permit under the provisions of this By-law.

Comment: The proposed amendment would require that a zoning certificate be obtained from the Zoning Enforcement Officer prior to the filing of a site plan application to confirm the applicability of **Section 2.8** and conformance of a proposed use with **Section 4.2 Use Table** of the **Seekonk Zoning By-law**.

Amendment 3:

2.8.5 Procedure

...

Where a property, for which a site plan approval is filed, abuts residential zoned or used property, notice may, at the discretion of the Planning Board after an initial review, be provided to all abutters, as identified by the Seekonk Tax Assessor, within ~~300~~600' of the property of the time and place of the Planning Board's review of the application. Said notice shall be provided at least fourteen (14) days prior to the Planning Board meeting at which the application will be reviewed and shall be mailed by regular mail by the

applicant in a form to be provided by the Planning Board. Upon completing such mailing, the applicant or their representative shall either file an affidavit attesting to the provision of notice with the Planning Board or enter testimony on the record that such notice has been accomplished. Additionally, where the Planning Board specifically finds that a proposed use may have the potential impacts beyond the above noted 600' notice radius notice shall be given by publication in a newspaper of general circulation in the Town of Seekonk once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the Planning Board continued review and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days.

Comment: The Proposed amendment would allow for additional notice via advertisement and posting of site plan applications deemed by the Planning Board to have potential for impacts beyond the 300' notice radius. The Planning Board may also wish to discuss the ability to require a greater than 300' notice radius and what objective criteria should be utilized for such increased notice radius as discussed with the Board of Selectmen with Town Counsel.

Amendment 4:

2.8.6 Design Standards

The development and design standards outlined in Section 8, in addition to any standards prescribed elsewhere in this By-law, shall be utilized by the Board in considering all site plans. Where the Planning Board finds that a site plan application does not or cannot meet a one or more of the design or performance standards set forth in **Section 8 Development and Design Standards** and such failure or inability to meet a standard or standards cannot otherwise be addressed or ameliorated through the imposition of a condition on a site plan approval the Planning Board shall issue a Notice of Finding detailing the specific

provision or provisions of **Section 8 Development and Design Standards** which the application fails to meet and why such failure or inability to meet a standard or standards cannot otherwise be addressed or ameliorated through the imposition of a condition on a site plan approval. Upon the issuance of a Notice of Finding under this section, an applicant shall have the right to submit a revised application or plans without prejudice and without the need to file a new application provided that any such revised application or plans are submitted within six (6) months of the date of the Notice of Finding otherwise a new application shall be required. The Planning Board shall have the authority to extend this time period at their discretion upon the written request of the applicant, so long as, such request is made prior to the expiration of the initial six (6) month period or any extension granted thereto.

Comment: The amendment provides that the Planning Board may issue a Notice of Finding where a site plan application is found to not meet one or more of the development and design standards set forth in **Section 8** of the **Seekonk Zoning By-law** and where the standard or standards cannot otherwise be met through a conditional site plan approval. Upon the issuance of a Notice of Finding an applicant may submit a revised application or plan without prejudice and without the need to file a new application for a period of six (6) months of the notice or otherwise have to file a new application.

Amendment 5:

4.1.2.4 Industry Districts

The Industry Districts are intended to encourage and permit industrial uses that are compatible with the community. All proposed uses within an Industry District shall be specifically consistent with the provisions of Section 1.2. Purpose and Section 8 Development and Design Standards.

Comment: This amendment is intended to provide additional linkage between **Section 1.2, Purpose** **Section 2.8 Site Plan** and **Section 8 Development and Design Standards** of the **Seekonk Zoning By-law** with the Industry District by requiring all uses with the Industry District to be specifically consistent with these sections.

Moved the Town amend the Zoning Bylaws of the Town of Seekonk, Massachusetts as presented in this warrant.

2/3 Vote Required

Action on the Motion: Motion passed with a unanimous 2/3 vote.

Motion was made on Town floor to reconsider Article 17- Motion denied.

A Motion was made to dissolve the Town Meeting at 11:38PM

Action on the motion: Motion passed with a unanimous vote.

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS 21ST DAY OF APRIL, 2021.

Seekonk Board of Selectmen

Justin Sullivan, Chairman

Christopher Zorra, Vice Chairman

Adam Petronio, Clerk

David Andrade, Member

Michael P. Healy, Member

A True Copy Attest: _____

Date: _____

Constable